

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
PC 12/10/03, Item: 4.c.  
CC 12-16-03

File Number  
PDC02-082

Application Type  
Planned Development Rezoning

Council District  
5

Planning Area  
Alum Rock

Assessor's Parcel Number(s)  
481-18-013, -016, -017, -018

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Elena Lee

Location: West side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue

Gross Acreage: 1.44

Net Acreage: 1.17

Net Density: 64.1 DU/AC

Existing Zoning: R-1-8 Residence and CG Commercial

Existing Use: Detached single-family residences and vacant

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 75 attached single family residential units

### GENERAL PLAN

Completed by: EL

Land Use/Transportation Diagram Designation

General Commercial and Medium Density Residential (8-16 DU/AC)

Project Conformance:

☒ Yes ☐ No

☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: EL

North: Commercial (tire store) and multi-family residential

CG Commercial General

East: Multi and single-family residential

A(PD) Planned Development and R-1-8 Residential

South: Church and single-family residential

R-1-8 Residential and R-2 Residential

West: Commercial and Multi-family residential

A(PD) Planned Development and CG Commercial General

### ENVIRONMENTAL STATUS

Completed by: EL

☐ Environmental Impact Report found complete

☐ Negative Declaration circulated on

☒ Negative Declaration adopted on December 2, 2003

☐ Exempt

☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: EL

Annexation Title: Alum Rock No. 01

Date: 8/21/1958

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval

☐ Approval with Conditions

☐ Denial

☐ Uphold Director's Decision

Date:

Approved by: \_\_\_\_\_

☐ Action

☐ Recommendation

### APPLICANT/OWNER/DEVELOPER

Dry Heron L.L.C.

Attn: Greg Blackwell

61-B Victory Lane

Los Gatos, CA 95030

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: EL

**Department of Public Works**

Please see attached memorandum

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**Other Departments and Agencies**

Please see attached memorandum from the Strong Neighborhood Initiative staff and NAC (Mayfair and Gateway East), Police Department, the Environmental Services Department and the Fire Department.

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**GENERAL CORRESPONDENCE**

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None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Dry Heron LLC, is requesting a Planned Development Rezoning from R-1-8 Residential Zoning District and CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow development of up to 75 single-family attached dwelling units on the subject property.

The subject site is comprised of four rectangular parcels with a total area of approximately 1.44 gross acres. Three of the parcels front onto McCreery Avenue, while the fourth, which is larger, is an interior parcel located directly to the east. The project site is currently is developed with three residential structures that are proposed for demolition.

The site is bounded by commercial development, including Calderon Tires, to the north, McCreery Avenue to the east, an affordable multi-family housing development to the west and single-family dwellings and churches to the south. The site is within close proximity to the Downtown/East Valley Transit Project and is located within the Santa Clara Street/Alum Rock Avenue Transit-Oriented Development Corridor (TOD). Although station locations for this TOD have not been finalized, the subject site is within walking distance of the proposed McCreery Station. In addition, the site is also within reasonable walking distance from bus stops and commercial uses on Alum Rock Avenue. The general area is developed with a mix of commercial, churches, single-family residences and multi-family residences.

**Project Description**

The proposed project would include a 0.27 gross acre park on the McCreery Avenue frontage and up to 75 single-family attached dwelling units in a single building located to the west. The majority of the building would be 3-4 stories tall above sub-grade parking garage on a podium (50 feet in total height). Some portions of the building along the perimeter elements would be 3 stories tall to break up the massing and to provide a more appropriate interface to less intensive adjacent uses. Vehicular access to the parking level would be provided on the east frontage from McCreery Avenue.

The applicant is currently in discussion with the Department of Parks, Recreation and Neighborhood Services on the design of the proposed park. As a turn-key park, the park will be developed by the applicant and will be dedicated to the City at a future date through an agreement.

As the property is located within the Mayfair Strong Neighborhood Initiative Redevelopment area, 20% of the units will be required to be affordable units. The applicant will be required to enter into an affordability agreement with the City prior to the issuance of a Planned Development Permit.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration was adopted for the project on December 2, 2003. The primary environmental issues that were addressed include 1) noise, 2) historic impact, 3) soil contamination and 4) traffic. The noise report prepared for the project concluded that the proposed project, with standard mitigation included, would not be subjected to significant noise impacts from traffic along McCreery Avenue. A historic report was prepared for the six single-family residences proposed for demolition and concluded that the demolition would not result in any historic impact. A Phase I Soils study completed for this project determined that there was no evidence of contamination on the site. However, the Negative Declaration will require, prior to the issuance of a Planned Development Permit, additional site investigation activities, as recommended by the Phase I study, to determine the nature of one vertical pipe located in the interior of the site. All feasible mitigation measures will be required to be implemented. The project will include a \$20,000 contribution to the construction of a new signal at the intersection of Alum Rock Avenue and McCreery Avenue, which will bring the project into conformance with all Level of Service Policy and the County Congestion Management Program. Thus, the project will mitigate for any potential traffic impacts.

## **GENERAL PLAN CONFORMANCE**

The proposed project conforms to the City of San Jose's adopted San Jose 2020 General Plan Land Use/Transportation Diagram based on the Discretionary Alternate Use Policy; Two Acre Rule which allows properties that are less than 2 acres in size to be developed with residential projects of any density, provided that the project is compatible with adjacent uses and the project meets or exceeds the City's development standards. This 1.44 gross acre site is designated General Commercial and Medium Density Residential (8 DU/AC) and is surrounded by a mix of commercial and residential uses. Based on the analysis below, staff has concluded that the proposed rezoning is compatible with the surrounding neighborhood and consistent with the City's development standards.

## **ANALYSIS**

The primary issues with this project are conformance to the *Residential Design Guidelines* (RDG) and compatibility with the neighborhood.

### **Residential Design Guidelines**

The proposed project conforms with the recommendations of the *Residential Design Guidelines* for a podium cluster project in regards to building design/architecture, height, setbacks/perimeter treatment, landscaping, parking and open space, as discussed below.

The RDG recommend that podium cluster housing be designed to provide a well-articulated façade. The project will be articulated with a variation in height from 3-4 stories and with a variety of roof forms. Canopies and cornices along the windows provide some architectural detailing. The building design utilizes a variety of materials, including metal and stone to provide visual interest. However, staff believes that because the number of units and the height of the building create such a substantial presence on this site, additional articulation and design techniques are needed to bring the project into greater conformance with the Guidelines. Planning staff will work with the developer at the Planned Development Permit stage to incorporate changes to bring the building elevations into greater conformance with the surrounding character of the neighborhood.

The project will be required to meet the General Plan height limit of 50 feet. Although the maximum height will be 50 feet and four stories, per the General Plan height policy, the project building will be limited to a maximum of three stories along the eastern McCreery frontage to provide an appropriate transition and to address the proximity of the one single-family house located to the southeast. Based on the development pattern of the area and the adjacent lot's Medium Density Residential General Plan designation (8-16 DU/AC), it is likely that the single-family house is a transitory use that may be developed at a higher density in the future.

The project incorporates a 100-foot front perimeter setback from McCreery Avenue because the proposed 0.27 gross acre public park is placed between the street and the podium structure, which exceeds the minimum 35-foot setback recommended by the RDG. Once the park is dedicated, the project will maintain a setback of 15 feet from the new property line. This setback is important to ensure that the park is perceived as a public park and not part of the private development. The park will provide a very effective buffer and transition from the street and adjacent uses. The RDG recommend that buildings with three or more stories have a perimeter setback of at least 20 feet from single-family private open space areas. The project will have a minimum perimeter setback of 15 feet from this edge. Although it falls slightly short of the recommended distance, staff believes that this is an acceptable setback from this existing single family use, recognizing the redevelopment potential of the property.

The project will also provide a building rear setback that varies between 10-20 feet. While the majority of the building is set back 20 feet, some of the balconies have setbacks of 10 feet. This setback would match the setbacks of other similar developments, as recommended by the RDG and exceeds the setback required for the adjacent use. The building would also include a minimum side setback of 10 feet, which conforms to the side setback recommended for podium cluster housing. The project will include a minimum 5-foot wide landscaping area along the edges of its perimeter, including the edge of the driveway from McCreery Avenue and the rear that is adjacent to multi-family residential located to the west. The project will provide the RDG-recommended driveway setback of 10 feet, which will include landscaping.

The development will provide a landscaped internal courtyard above the podium structure. The courtyard landscaping is of sufficient quality to conform to the RDG's recommendation to mask the artificial character of the podium. Common and private open space will be provided at the recommended square footage: 60 square feet of private open space in the form of balconies/porches and 7,500 square feet of common open space. Parking will also be provided per the Residential Design Guidelines recommendation.

### Neighborhood Compatibility

The proposed single-family attached development (64.1 DU/AC) will be compatible with the existing neighborhood which contains a mix of densities and uses. This project also provides an opportunity to increase the density on an underutilized site through infill development and in proximity to a planned transit corridor. The majority of proximate uses are a mix of commercial and church uses, which are not typically sensitive interfaces. However, landscaping along the property lines and the park will provide an adequate buffer. The one single-family dwelling located to the southeast and the recently approved multi-family development that will be located adjacent to the project's western boundary. The project will act as an appropriate transition between lower density residential projects and the commercial development along McCreery Avenue and Alum Rock Avenue. Staff will work with the applicant at the Planned Development Permit stage to ensure that the building will be designed to maximize buffering for the adjacent residential uses and be compatible with the surrounding architecture.

### **PUBLIC OUTREACH**

A community meeting for the project was held on November 10, 2003. The meeting was held at the Eastside Neighborhood Center, approximately two blocks from the project site. Five people attended the meeting. The attendees generally expressed support for the project because it will bring improvements to the area. One neighbor requested that the building incorporate tile roofs to blend in with the neighborhood. A second neighbor recommended that the park be designed for more passive adult uses rather than a tot lot. The neighbors also expressed concerns about traffic calming and pedestrian safety. City staff will work with the neighborhood to address this larger issue. The owners of the adjacent commercial property to the north expressed an interest in working with the City to provide some funding for such improvements. The project was also presented to the Mayfair Strong Neighborhood Initiative Neighborhood Advisory Committee (NAC) meeting and the Eastgate Strong Neighborhood Initiative NAC. The NACs expressed comments similar to the comments from the community meeting. The NACs requested that the traffic signal planned for the McCreery and Alum Rock Avenue intersection be installed before the project is occupied. The Department of Transportation has stated that construction is tentatively scheduled for February 2004. Based on this schedule, it is likely that the traffic signal will be installed prior to occupancy of this project.

Notices for the Draft Mitigated Negative Declaration and the public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

### **CONCLUSION**

Based upon the above analysis, staff concludes that the project provides a significant opportunity to provide infill housing within a developed area and furthers the goals of the General Plan, while providing a use that is compatible with the surrounding properties and conforms to the Residential Design Guidelines.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram under the Alternate Land Use Policy Two Acre Rule for increased residential density.
2. The proposed project conforms to the Residential Design Guidelines.
3. The project furthers the goal and objectives of the City's infill housing strategy and will promote transit usage.
4. The proposed zoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

### **Attachments**

cc: HMM Engineers, Inc. Attn: John Moniz. 1570 Oakland Road, Suite 200. San Jose, CA 95131.  
Kurt Anderson. 18420 Hernandez Ave. Monte Sereno, CA 95030.